

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Jasper on October 26, 2009.

The application has been amended as follows:

Claim 1, line 14: after "instrument handle", "is" has been deleted and replaced with -- including the first manipulator are--

Claim 14 has been rewritten as follows:

14. A surgical instrument comprising:
 - an instrument handle having a front end and a rear end;
 - a tube shaft having a proximal end portion and a distal end portion, wherein the proximal end portion is linked to the rear end of the instrument handle; and
 - an instrument head, wherein the instrument head is linked to the distal end portion, so as to allow the instrument head to bend relative to the tube shaft, the instrument head further comprising a rotatably supported effector having at least one pivotable engaging element;
 - wherein the instrument handle includes a plurality of manipulators and/or operating mechanisms for operating the instrument head and/or the effector, wherein a first manipulator configured to effect bending of the instrument head is formed between the front end of the instrument handle and the rear end of the instrument handle and further comprises a free end and a second manipulator, further comprises an operating element having the shape of a rotary knob and being rotatably supported at the free end of the first manipulator of the instrument handle opposite to the linkage with the tube shaft, and wherein the instrument handle forms an operating mechanism for bending the instrument head with respect to the tube shaft.

Claim 17 has been canceled.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: the above amendment to claims 1 and 14 is identical to the amendment proposed in the After Final Response of October 7, 2009, which amendment had been denied entry. During a telephonic interview with Joe Jasper on October 26, 2009, Mr. Jasper agreed to cancel claim 17 to place the application in condition for allowance (as indicated in the October 21, 2009 Advisory Action). The prior art fails to disclose the particular device having the pivotably supported handle, including the first manipulator, aligned to as to be laterally offset with respect to the tube shaft. While Yoon discloses the handle offset from the tube axis, there is no suggestion that any other manipulator would be offset. Similarly, Yoon and the other prior art references fail to show or teach a first manipulator formed between front and rear ends of an instrument handle and having a free end, and a second manipulator having a rotary knob formed at the free end of the first manipulator as now recited in claim 14..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/
Primary Examiner, Art Unit 3739

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October 28, 2009